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February 26, 2024

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Carol B. Amon, U.S.D.J.
225 Cadman Plaza East
Courtroom 10D South
Brooklyn, NY 11201-1804

Re: Martinez, et al. v. Atlantis Super Wash Center Inc., et al.
Case No.: 1:23-cv-4667 (CBA) (PK)

Dear Judge Amon:

This firm is substituting in as counsel to Defendants Atlantis Super Wash Center Inc., Clean City Laundry Inc., and Nick Mira (collectively hereinafter the “Defendants”), and respectfully submits this letter to enclose a fully executed stipulation of substitution of counsel. The Defendants respectfully request that this Court “so Order” the stipulation.

In addition, Defendants write to seek an extension of time to submit a reply memorandum of law in further support of their motion to dismiss. Pursuant to ¶ 2(C) of this Court’s Individual Motion Practices and Rules (the “Individual Rules”), Defendants respectfully submit that:

(i) the original date Defendants’ reply papers were due was today;

(ii-iii) there have been no previous requests for an extension of time to submit reply papers;

(iv) Plaintiffs consent only to a one (1) week extension of time because they are” struggling to understand why [your undersigned] waited until the eve of the motion being filed to ask for an extension to draft a reply brief, when [your undersigned has] known for at least the last three weeks that you would be moving to a new firm and taking this case with you” and “[h]ad [I] reached out then with [my] new contact information, [Plaintiffs] could have sent you a copy of the opposition on its due date, obviating the need for an extension related to [Defendants’] reply;” and

(v) the requested extension does not affect any other scheduled dates to Defendants’ knowledge.

Contrary to Plaintiffs’ points, your undersigned did not know for three (3) weeks that the Defendants would substitute him in, and only received a fully executed stipulation of substitution of counsel on February 22, 2024. Further, Plaintiffs fail to mention that on Friday, February 23, 2024, your undersigned asked for a copy of the opposition papers and, to date, has not received a copy of Plaintiffs’ opposition papers, which their counsel did not bother to attach in their foregoing response.

As such, your undersigned is still not in possession of Plaintiffs' opposition papers such that a reply may be filed, as neither Milman Labuda Law Group PLLC ("MLLG") nor the Plaintiffs have sent your undersigned same. There is therefore sufficient good cause for this Court to exercise its discretion in favor of granting the requested extension of time for this reason alone. See Fed. R. Civ. P. 6(b)(1)(A).

Additional reasons an extension should be granted include: (i) your undersigned needs additional time to secure the file from MLLG, the Defendants' predecessor counsel, which has been requested and, to date, not provided; and (ii) the travails of opening one's own practice. Accordingly, this Court should grant Defendants' request for an extension of time.

Defendants thank this Court for its time and attention to this case.

Dated: Lake Success, New York
February 26, 2024

Respectfully submitted,

SAGE LEGAL LLC

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